

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:23-cv-819-FDW-DCK**

**JANE DOE, BY AND THROUGH HER)
PARENTS JANE ROE AND JOHN)
ROE,)**

Plaintiff,)

v.)

**AMERICAN AIRLINES, INC., ESTES)
CARTER THOMPSON, III; and DOES)
2-10,)**

Defendants.)

**JOINT MOTION TO MODIFY
CASE MANAGEMENT ORDER**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, Plaintiff Jane Doe, by and through her parents Jane Roe and John Roe (“Plaintiff”), along with Defendant American Airlines, Inc. (“American Airlines”) (jointly with Plaintiff, the “Moving Parties”), respectfully move the Court to modify certain deadlines in the Case Management Order, [Doc. 21]. Specifically, the Moving Parties seek to extend the deadlines for expert reports, discovery completion, ADR, and dispositive motions. In support of this Joint Motion, the Moving Parties show the Court as follows:

1. On December 1, 2023, Plaintiff filed her Complaint in this matter asserting claims for: (1) invasion of privacy; (2) civil liability for criminal act of secretly peeping; (3) intentional infliction of emotional distress; (4) negligent infliction of emotional distress against Defendant Estes Carter Thompson, III; (5) negligent hiring, supervision, or retention; and (6) negligent infliction of emotional distress against Defendant American Airlines, Inc. [Doc. 1].

2. On March 29, 2024, Plaintiff served Plaintiff’s First Set of Interrogatories and First Requests for Production to Defendant American Airlines Group, Inc. On April 25, 2024,

American Airlines’ counsel requested a 30-day extension of time to respond. That same day, Plaintiff’s counsel agreed, thereby making American Airlines’ responses due on May 29, 2024.

3. On April 4, 2024, with the consent of counsel for American Airlines, Plaintiff filed a Consent Motion to Substitute Defendants to substitute in American Airlines, Inc. for American Airlines Group, Inc., and Estes Carter Thompson, III, for Doe 1.¹ [Doc. 23].

4. On May 2, 2024, American Airlines served Defendant American Airlines, Inc.’s First Set of Interrogatories and Request for Production of Documents. Plaintiff has not yet determined if she will request an extension of time to respond.

5. As stated above and pursuant Rule 16 of the Federal Rules of Civil Procedure, the Moving Parties seek to extend the Case Management Order’s deadlines related to expert reports, discovery completion, mediation, and dispositive motions. Those deadlines are currently:

- a. Plaintiff’s Expert Reports: June 10, 2024
- b. Defendants’ Expert Reports: July 18, 2024
- c. Discovery Completion: August 15, 2024
- d. ADR: August 29, 2024
- e. Dispositive Motions (filed): September 12, 2024
- f. Dispositive Motions (hearing): December 2–6, 2024

6. The Moving Parties respectfully seek a two-month extension of each of the aforementioned deadlines.

7. Rule 16(b)(4) provides that a scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4).

¹ Estes Carter Thompson, III, is currently incarcerated. Plaintiff has made diligent efforts to serve Mr. Thompson but has not yet been able to do so.

8. The Moving Parties contend that good cause exists to modify the Case Management Order in this case.

9. The Moving Parties are engaged in written discovery and have been communicating about scheduling depositions and mediation, but anticipate needing additional time beyond the Case Management Order's current deadlines. Moreover, Moving Parties do not have Mr. Thompson's responsive pleading yet and will need to conduct discovery from him, too.

10. The Moving Parties do not seek a continuance of the March 3, 2025, trial date and do not believe that the relief requested herein will affect the trial date.

11. This Joint Motion is made in good faith and not for the purpose of undue delay.

12. Pursuant to LCvR 7.1(b), the Moving Parties' respective counsel have conferred in good faith about the relief requested herein. Plaintiff and American Airlines all consent to and jointly seek the relief requested herein.

13. Pursuant to Paragraph 3(b) of the Case Management Order, a proposed order is submitted contemporaneously herewith.

WHEREFORE, the Moving Parties respectfully pray the Court for the following relief:

1. That the Court modify the Case Management Order by extending the respective deadlines for expert reports, discovery completion, mediation, and dispositive motions by two months; and

2. For all other relief, both legal and equitable, which the Court deems just and proper.

[Signatures on following page]

This the 9th day of May, 2024.

JAMES, McELROY & DIEHL, P.A.

s/ John R. Buric

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Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that this **JOINT MOTION TO MODIFY CASE MANAGEMENT ORDER** has this date been served as follows:

By filing such document on the Court's CM/ECF system, which will transmit notification of such filing, constituting service thereof, to Defendant American Airlines, Inc.'s counsel of record as follows:

Kathryn Anne Grace – Kathryn.Grace@wilsonelser.com

Kayla Joanne Jones – kayla.jones@wilsonelser.com

Patrick J. Kearns – partick.kearns@wilsonelser.com

By depositing a copy thereof in the United States Mail, sufficient first-class postage prepaid, addressed as follows to Estes Carter Thompson, III:

Estes Carter Thompson, III
1228 Duncan Gardens Drive
Charlotte, NC 28206

Estes Carter Thompson, III
Donald W. Wyatt Detention Facility
950 High Street
Central Falls, RI 02863

This the 9th day of May, 2024.

LEWIS & LLEWELLYN LLP

s/ Paul T. Llewellyn

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